


# Exhibit 10

Case Clip(s) Detailed Report  
 Wednesday, December 09, 2009, 11:13:26 AM

## Oklahoma Trial Sept 2009

 **Edwards, Dwayne R. (Vol. 01) - 04/23/2009 [383132 -Oklahoma Trial...]** 1 CLIP (RUNNING 02:01:51.046)

### Judges Orders

DE-0423-0000619-001 155 SEGMENTS (RUNNING 02:01:51.046)



#### 1. PAGE 6:19 TO 6:23 (RUNNING 00:00:18.533)

19 IF YOU WOULD TELL THE COURT PLEASE -- GO AHEAD  
 20 AND GIVE THEM YOUR FULL NAME AND YOUR CURRENT RESIDENCE,  
 21 ADDRESS.  
 22 A. I'M DWAYNE RAY EDWARDS. MY ADDRESS IS  
 23 752 PINNACLE COURT HERE IN LEXINGTON 40515.

#### 2. PAGE 6:25 TO 7:09 (RUNNING 00:00:26.194)

25 AND I HAD A CONVERSATION. I UNDERSTAND THAT YOU HAVE  
 00007:01 BEEN RETAINED AS A CONSULTANT BY MR. ELROD IN THIS CASE;  
 02 IS THAT CORRECT?  
 03 A. THAT'S CORRECT.  
 04 Q. OKAY. AND WHAT I WOULD LIKE TO DO TODAY IS, BY  
 05 WAY OF FURTHER EXPLANATION OF THE PURPOSE OF THIS  
 06 DEPOSITION, IS TO ESTABLISH THE DATE OF THAT HIRING. DO  
 07 YOU KNOW WHEN THAT IS?  
 08 A. I DON'T KNOW THE EXACT DATE. IT'S BEEN THREE  
 09 AND MAYBE EVEN FOUR YEARS.

#### 3. PAGE 7:14 TO 7:16 (RUNNING 00:00:12.467)

14 Q. MY QUESTIONS TO YOU ARE NOT INTENDED TO ELICIT  
 15 ANY RESPONSES THAT WOULD INTERFERE WITH OR REVEAL YOUR  
 16 CONVERSATIONS WITH MR. ELROD IN THIS CASE. MY

#### 4. PAGE 7:22 TO 7:25 (RUNNING 00:00:11.200)

22 AREA. SO IF A QUESTION I ASK YOU SEEMS TO INVADE THAT  
 23 CONFIDENCE OR THAT CONSULTING ARRANGEMENT, PLEASE LET ME  
 24 KNOW --  
 25 A. OKAY.

#### 5. PAGE 8:05 TO 8:05 (RUNNING 00:00:01.567)

05 MR. ELROD: IT'S JUNE 1, 2006.

#### 6. PAGE 8:19 TO 8:21 (RUNNING 00:00:06.504)

19 ARE YOU FAMILIAR WITH THE CASE OF THE STATE OF  
 20 OKLAHOMA VERSUS TYSON FOODS, I ASSUME?  
 21 A. IN A GENERAL WAY.

#### 7. PAGE 10:15 TO 11:02 (RUNNING 00:01:14.694)

15 Q. I BROUGHT WITH ME TODAY EXHIBIT 2, WHICH IS AN  
 16 ON-LINE VERSION OF YOUR RESUME OR CURRICULUM VITAE, AND  
 17 I NOTED IN THE UPPER RIGHT-HAND CORNER THAT THIS IS  
 18 UPDATED AS OF FEBRUARY 27, 2002, SO LET'S GO THROUGH  
 19 THIS A LITTLE BIT. I'LL ASK YOU TO LOOK AT THAT BRIEFLY  
 20 TO SEE IF THAT APPEARS TO BE ACCURATE AS OF THAT DATE.  
 21 A. WITHOUT GOING THROUGH ALL OF THE PUBLICATIONS  
 22 LINE BY LINE...  
 23 Q. I WOULDN'T EXPECT YOU TO REMEMBER ALL OF THOSE,  
 24 SIR. BUT, GENERALLY, THE BIO MATERIALS, DO THEY REFLECT  
 25 ACCURATELY YOUR EDUCATION AND PROFESSIONAL EXPERIENCES?  
 00011:01 A. AS OF THAT DATE, YES. I WOULD SAY THAT'S  
 02 CORRECT.

## Case Clip(s) Detailed Report

Wednesday, December 09, 2009, 11:13:26 AM

## Oklahoma Trial Sept 2009

10 A. WE WERE TRYING TO DO THE BEST WE COULD, YES.  
 11 Q. OKAY. BOTH AS TO THE SIZE OF THE DROP AND THE  
 12 VELOCITY AT WHICH IT FALLS?  
 13 A. CORRECT.

## 96. PAGE 184:13 TO 185:18 (RUNNING 00:01:47.600)

13 Q. IT IS REPORTED THAT -- BY YOU AND PHIL MOORE,  
 14 TOMMY DANIEL, AND MR. SHREVE, THAT "EDWARDS AND DANIEL  
 15 (1993) REPORTED THAT WITH SURFACE-APPLIED LITTER 2.2 TO  
 16 7.3% OF THE TOTAL P WAS LOST IN RUNOFF"; DO YOU SEE  
 17 THAT, SIR?  
 18 A. RIGHT.  
 19 Q. NOW, THAT WAS THE PLOT --  
 20 A. RIGHT.  
 21 Q. -- THAT WE JUST DESCRIBED; CORRECT?  
 22 A. YES.  
 23 Q. HOW DO YOU CAPTURE -- DO YOU FORCE RUNOFF?  
 24 A. YES.  
 25 Q. OKAY. BECAUSE YOU DON'T HAVE MONTHS TO WAIT  
 00185:01 AROUND FOR IT TO HAPPEN?  
 02 A. CORRECT.  
 03 Q. SO IS IT TRUE THAT YOU APPLY SUFFICIENT WATER  
 04 TO CREATE RUNOFF?  
 05 A. YES.  
 06 Q. CAN YOU TELL US QUICKLY, AND I SAY THAT BECAUSE  
 07 IF YOU CAN'T NOW, WE'LL GET INTO IT WHEN WE GO INTO THE  
 08 1993 REPORT, THE AMOUNT OF RAINFALL THAT YOU HAD TO  
 09 APPLY TO THE PLOTS TO GET THE 2.2 PERCENT AND THE  
 10 3.7 PERCENT -- OR 7.3 PERCENT TOTAL P RUNOFF?  
 11 A. WELL, IT VARIED. THE TOTAL AMOUNT OF RAINFALL  
 12 VARIED. BECAUSE WHAT WE TRIED TO ACHIEVE WAS THE SAME  
 13 DURATION OF RUNOFF. AND BECAUSE OF PLOT-TO-PLOT  
 14 VARIABILITY, THAT MEANT THAT WE HAD TO APPLY DIFFERENT  
 15 RAINFALL DEPTHS TO DIFFERENT PLOTS TO GET THE SAME  
 16 DURATION OF RUNOFF. BUT IN SOME CASES, IT WOULD HAVE  
 17 REQUIRED -- YOU KNOW, THESE ARE BALLPARK NUMBERS,  
 18 WIDESPREAD BUT FROM 2 TO 4 INCHES.

## 97. PAGE 185:23 TO 186:13 (RUNNING 00:00:38.467)

23 Q. OVER WHAT PERIOD OF TIME?  
 24 A. AN HOUR.  
 25 Q. OKAY. NOW, I'VE HEARD RAINFALLS DESCRIBED AS A  
 00186:01 10-YEAR RAIN AND A 25-YEAR RAIN. IS THAT A -- IN FACT,  
 02 I'VE SEEN YOU REFER TO RAINFALLS --  
 03 A. YES.  
 04 Q. -- THAT WAY IN YOUR PAPERS.  
 05 A. (MOVED HEAD UP AND DOWN).  
 06 Q. IS THAT A TERM OF ART?  
 07 A. NO. IT'S ACTUALLY -- THERE IS ACTUALLY A  
 08 SCIENCE AND AN ARITHMETIC TO IT.  
 09 Q. THAT'S WHAT I MEANT.  
 10 A. YES.  
 11 Q. SO WHEN YOU USE THE WORD "25-YEAR RAINFALL,"  
 12 THAT'S NOT JUST SOMETHING YOU PLUCK OUT OF THE AIR, THAT  
 13 IS A SCIENTIFICALLY-RECOGNIZED TERM?

## 98. PAGE 186:15 TO 186:17 (RUNNING 00:00:04.981)

15 A. CORRECT.  
 16 Q. NOW, 2 INCHES PER HOUR WOULD BE A HOW MANY YEAR  
 17 RAINFALL; DO YOU KNOW?

## 99. PAGE 186:19 TO 187:04 (RUNNING 00:00:40.734)

19 A. I MADE THOSE CALCULATIONS, AND THEY ARE IN ONE  
 20 OF THE PAPERS THAT -- I THINK THEY ARE IN ONE OF THE  
 21 ONES THAT WE WENT THROUGH TODAY.

Case Clip(s) Detailed Report  
Wednesday, December 09, 2009, 11:13:26 AM

### Oklahoma Trial Sept 2009

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22 Q. OKAY.  
23 A. FROM MEMORY, I CAN'T TELL YOU WHAT A DEPTH OF  
24 2 INCHES OVER A DURATION OF 1 HOUR IS FOR ARKANSAS. I  
25 CAN REMEMBER THAT SOME OF THE STORMS THAT WE ENDED UP  
00187:01 SIMULATING AT THE HIGHER SIMULATED RAINFALL INTENSITY  
02 WERE IN THE ORDER OF HUNDREDS OF YEARS.  
03 Q. DO YOU THINK IT WOULD BE ONE OF THE HUNDREDS OF  
04 YEARS RAINS THAT CAUSED THE 7.3 PERCENT RUNOFF?

**100. PAGE 187:06 TO 187:21 (RUNNING 00:00:49.600)**

06 A. WELL, THE HIGHER LOSS FRACTIONS, THE 7 PERCENT  
07 THAT WERE ASSOCIATED WITH THE HIGHER RAINFALL INTENSITY.  
08 Q. OKAY. THAT'S GOING TO BE IN ONE OF THE PAPERS  
09 THAT WE'LL -- THAT WE HAVE ALREADY --  
10 A. OKAY.  
11 Q. -- DISCUSSED, IS THAT TRUE, DO YOU THINK?  
12 A. I BELIEVE IT WAS. I KNOW THAT I CALCULATED AND  
13 REPORTED THE RETURN PERIODS THAT WE ESTIMATED FOR THOSE  
14 SIMULATED STORMS BECAUSE THEY WERE -- AS SOME REVIEWERS  
15 RIGHTLY POINTED OUT, THEY WERE VERY EXTREME, AND SO WE  
16 DID THE CALCULATIONS.  
17 Q. SO, DR. EDWARDS, IS IT TRUE THAT YOU'RE NOT  
18 REALLY TRYING TO REPLICATE WHAT GOES ON IN THE ACTUAL  
19 REAL WORLD IN, SAY, THE ILLINOIS RIVER WATERSHED, YOU  
20 ARE SIMPLY CONDUCTING AN EXPERIMENT UNDER THE CONDITIONS  
21 THAT ARE DESCRIBED IN THE STUDY PAPER?

**101. PAGE 187:23 TO 188:22 (RUNNING 00:01:51.244)**

23 A. WE DIDN'T PERFORM ANY OF THESE STUDIES WITH AN  
24 EYE TOWARD ANYTHING GOING ON IN THE ILLINOIS RIVER AT  
25 THE TIME.  
00188:01 Q. NOW THAT YOU BROUGHT THAT UP, LET ME ASK YOU  
02 THIS: HAVE YOU EVER CONDUCTED ANY KIND OF A STUDY TO  
03 TRY TO QUANTIFY THE AMOUNT OF PHOSPHORUS IN  
04 LAKE TENKILLER, OKLAHOMA CAUSED BY THE LAND APPLICATION  
05 OF CHICKEN LITTER?  
06 A. NO.  
07 Q. HAVE YOU EVER CONDUCTED ANY EDGE-OF-FIELD LOSS  
08 STUDIES ON REAL LAND INSIDE THE ILLINOIS RIVER  
09 WATERSHED, OTHER THAN THESE PLOTS THAT ARE IN  
10 FAYETTEVILLE?  
11 A. WELL, THEY WOULD ONLY BE THE ONES -- THOSE FOUR  
12 FIELDS.  
13 Q. AT MOORE'S CREEK?  
14 A. YES.  
15 Q. OKAY. AND THAT WOULD BE IT?  
16 A. THAT'S AS CLOSE AS I WOULD HAVE GOTTEN, YES.  
17 Q. OKAY. LET'S TURN TO EXHIBIT 6.  
18 A. OKAY.  
19 Q. THIS IS THE STUDY ENTITLED EFFECTS OF POULTRY  
20 LITTER APPLICATION RATE AND RAINFALL INTENSITY ON  
21 QUALITY OF RUNOFF FROM FESCUEGRASS PLOTS; IS THAT TRUE?  
22 A. RIGHT.

**102. PAGE 189:08 TO 189:09 (RUNNING 00:00:07.133)**

08 WAS THIS A SEMINAL, IMPORTANT STUDY THAT WAS  
09 SORT OF A BREAK WITH THE PAST?

**103. PAGE 189:11 TO 189:18 (RUNNING 00:00:25.400)**

11 A. IT -- I CONSIDERED IT AT THE TIME AND STILL DO  
12 EVEN IN RETROSPECT TO HAVE BEEN THE FIRST HIGH QUALITY  
13 SCIENTIFIC INVESTIGATION INTO THE TOPIC AT THE  
14 UNIVERSITY OF ARKANSAS.  
15 Q. AND "INTO THE TOPIC," BEING PHOSPHORUS  
16 TRANSPORT?

Case Clip(s) Detailed Report  
 Wednesday, December 09, 2009, 11:13:26 AM

# Oklahoma Trial Sept 2009

## 108. PAGE 192:19 TO 192:24 (RUNNING 00:00:34.300)

19 A. I WOULD SAY THAT THERE WAS -- CERTAINLY THERE  
 20 WAS A GREATLY INCREASED AWARENESS OF AND INTEREST IN  
 21 PHOSPHORUS AND THAT MY RECOLLECTION IS THAT IT TRENDED  
 22 SHARPLY UP, NO PUN ON ANDREW, IN THAT TIME FRAME. AND  
 23 DEFINITELY ANDREW, BUT ALSO TOMMY DANIEL AND MYSELF,  
 24 WERE AMONG THOSE WHO WERE INTERESTED IN PHOSPHORUS.

## 109. PAGE 192:25 TO 193:05 (RUNNING 00:00:14.467)

25 Q. AND THE 1993 REPORT -- IS IT FAIR FOR ME TO  
 00193:01 CALL IT "THE 1993 REPORT"?  
 02 A. YOU'RE TALKING ABOUT THE JOURNAL OF  
 03 ENVIRONMENTAL QUALITY?  
 04 Q. YES.  
 05 A. SURE.

## 110. PAGE 193:08 TO 193:10 (RUNNING 00:00:13.200)

08 Q. THAT WORK STARTED IN WHAT YEAR, IF IT WAS  
 09 PUBLISHED IN '93? I SEE IT WAS RECEIVED MAY 1, 1992.  
 10 THE LOWER LEFT-HAND CORNER.

## 111. PAGE 193:14 TO 194:04 (RUNNING 00:01:00.840)

14 WE ACTUALLY STARTED BUILDING THE PLOTS IN THE  
 15 SUMMER OF '90, AND THEN WE BEGAN RUNNING THE STUDY IN  
 16 THE FOLLOWING SUMMER OF 1991, SO THE DATA WERE  
 17 COLLECTED -- THE EXPERIMENTS WERE CONDUCTED, THE DATA  
 18 WERE COLLECTED IN AUGUST '91.  
 19 Q. DID THE POULTRY INDUSTRY CONTRIBUTE TO THE COST  
 20 OF THIS STUDY?  
 21 A. YES.  
 22 Q. THROUGH WHAT ENTITY?  
 23 A. SOUTHEASTERN POULTRY AND EGG ASSOCIATION.  
 24 Q. WAS THAT 100 PERCENT FUNDING; DO YOU RECALL?  
 25 A. THEY DID NOT END UP FUNDING 100 PERCENT OF THE  
 00194:01 PROJECT, NO.  
 02 Q. DO YOU KNOW WHY THE SOUTHEASTERN POULTRY AND  
 03 EGG ASSOCIATION WAS INTERESTED IN BEING INVOLVED IN THIS  
 04 STUDY AND SEEING THE RESULTS OF IT?

## 112. PAGE 194:06 TO 194:21 (RUNNING 00:01:03.133)

06 A. WELL, BASED ON SOME DISCUSSIONS THAT I HAD HAD  
 07 WITH PERSONS WHO WERE CONNECTED TO THE INDUSTRY, MY  
 08 RECOLLECTION IS -- AND ALSO AT THIS TIME, YOU HAVE TO  
 09 REMEMBER THAT MORE PEOPLE WERE SPEC -- INCREASINGLY A  
 10 HIGH NUMBER OF PEOPLE WERE SPECULATING OPENLY ABOUT THE  
 11 POULTRY INDUSTRY, ABOUT THEIR POTENTIAL IMPACTS ON THE  
 12 ENVIRONMENT, AND THEY WERE DOING THIS ALMOST EXCLUSIVELY  
 13 WITH NO INFORMATION.  
 14 AND SO BASED ON MY RECOLLECTION OF MY  
 15 DISCUSSIONS WITH THIS INDIVIDUAL, THE POULTRY INDUSTRY  
 16 WAS CERTAINLY AWARE OF THE DISCUSSION AND OF THE  
 17 SENTIMENT IN SOME QUARTERS AND OF THE CONCERN AND AT  
 18 LEAST, ACCORDING TO THIS INDIVIDUAL, THEY WERE  
 19 INTERESTED IN SOME NUMBERS AND THEN SOME DATA SO THAT  
 20 THEY WOULD HAVE SOMETHING A LITTLE LESS ANECDOTAL TO  
 21 DEAL WITH.

## 113. PAGE 194:22 TO 194:23 (RUNNING 00:00:07.767)

22 Q. OKAY. DID YOU -- DID ANYBODY FROM THE POULTRY  
 23 INDUSTRY ATTEMPT TO SHAPE THE STUDY?

## 114. PAGE 194:25 TO 195:02 (RUNNING 00:00:05.500)

25 A. NO.